

REMARKS

Applicants thank the Examiner for conducting a telephonic interview to clarify the requirements of the Ex parte Quayle action. Applicants maintain that with the exception of canceling claim 53, no amendments to the claims are necessary. However, the claims have been amended toward the subject matter that the Examiner indicated was preferred in the interview.

Claim Amendments and the Restriction Requirement

Applicants have canceled claim 53 as requested by the Office Action.

The Office Action requires the claims to reflect the elected subject matter as a result of Restriction Requirements in the current application, i.e. that the claims be drawn to a method of treating rheumatoid arthritis by administering a 1,3 oxazole according to compounds of formula I classified in 514/385. Applicants respectfully submit that the claims reflect such an election.

The independent claim states, "A method for the treatment of rheumatoid arthritis," and also "A is a heteroaryl moiety selected from the group consisting of



See claim 1. Applicants have also amended claim 1 to include the limitations of claim 3. Applicants respectfully submit that sections 1 and 2 of the Ex parte Quayle action have been satisfied.

Requirement for a Terminal Disclaimer

Applicants respectfully submit that a terminal disclaimer is unnecessary. The only patent cited in the Office Action is US Pat. No. 7,838,541, which does not claim either the treatment of rheumatoid arthritis or administering 1, 3 oxazole according to compounds of formula I of the claims of the current application. US Pat. No. 7,838,541 is directed toward treating retinopathy and retinopathy of prematurity using compounds of a formula I without 1, 3 oxazole.

MPEP 804 I(b) which states, "If a 'provisional' nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should

withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer."

All of the patent applications cited in the office Action have a filing date on or after the filing date of the current application. Therefore, in accordance with MPEP 804 1(b) the current application should be allowed to issue without a terminal disclaimer.

In view of the above arguments applicants respectfully request that the Ex parte Quayle action be withdrawn and the application be allowed to issue.

Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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